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EXAMINER

PWU, JEFFREY C

ART UNIT PAPER NUMBER

3624

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/414,290

Applicant(s)

ENRIGHT ET AL.

Examiner

Jeffrey Pwu

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 3624

DETAILED ACTION

1. This action is responsive to the amendment filed 2002-05-14.
2. The disposition of claims is: claims 1-43 are pending as filed. Claims 1, 38 and 41 are independent.
3. The group art unit of the Examiner handling your case has changed. The new art unit is **624**. Please use current art unit on all correspondence to help us route your case in a timely fashion.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by **Blackwell** et al. (US 5,602,933).

Blackwell et al. teaches:

(Claim 1) An apparatus comprising:

Art Unit: 3624

an automated banking machine carrying out at least one transaction function;
at least one camera adjacent the banking machine, wherein the camera is operative to produce camera signals corresponding to images (52, 54, 56, 60 of fig.1);

a computer including a server (col.5, lines 48-51) in operative connection with a data store, wherein the computer is in operative connection with the machine and the camera, and wherein the computer is operative to include image data corresponding to the camera signals in the data store responsive to the machine carrying out at least one transaction function;

at least one communication network in operative connection with the server ("communications network" of fig.2); and

a user terminal including an output device in operative connection with the network, wherein the user terminal includes a browser, and wherein the user terminal communicates with the server through the browser and is operative to output images corresponding to the image data through the output device (col.8, lines 50-65).

(Claim 2) The apparatus according to claim 1 wherein the banking machine is operative to provide cash, and wherein the computer is operative to include image data in the data store responsive to the machine operating to provide cash (col.1, lines 37-65 and col.8, lines 30-50).

(Claim 3) The apparatus according to claim 2 wherein the data store includes instructions including data representative of a predetermined amount, and wherein the computer is operative to include image data in the data store when an amount of cash provided by the machine is at least the predetermined amount (col.1, lines 20-55).

Art Unit: 3624

(Claim 4) The apparatus according to claim 1 wherein the machine includes a plurality of transaction function devices, and wherein the computer is operative to include image data in the data store responsive to operation of each of a plurality of transaction function devices during a transaction (col. 10, lines 55-67).

(Claim 5) The apparatus according to claim 1 and further comprising a plurality of cameras, and wherein the data store further comprises instructions including a sequence, wherein the computer is operative to sense lack of usable video from a first camera and to store image data from a second camera responsive to the sequence (col.6, lines 50-65).

(Claim 6) The apparatus according to claim 1 wherein the banking machine includes an input device, and wherein the input device receives input data through the input device, and wherein the banking machine carries out the transaction function responsive to the input data, and wherein the computer is operative to include in the data store transaction data corresponding to the input data (abstract).

(Claim 7) The apparatus according to claim 6 wherein the user terminal is operative to process the transaction data with the browser, and to output indicia corresponding to the transaction data with the output images through the output device (30, 32, 34).

(Claim 8) The apparatus according to claim 1 and further comprising a second camera, wherein the second camera produces second camera signals corresponding to a service area of the machine, and wherein the computer is operative to include in the data store image data corresponding to the second camera signals (52, 54, 56).

Art Unit: 3624

(Claim 9) The apparatus according to claim 8 wherein the second camera is located in an interior of the automated banking machine (52, 54, 56).

(Claim 10) The apparatus according to claim 8 wherein the data store further includes motion detection instructions, and wherein the computer is operative responsive to the motion detection instructions to include the image data corresponding to the second camera signals in the data store (52, 54, 56).

(Claim 11) The apparatus according to claim 8 and further comprising a door, wherein opening the door is operative to provide access to the service area, and further comprising a sensor in operative connection with the door, and further comprising instructions in the data store, wherein the computer is operative responsive to the instructions and the sensor indicating that the door has been moved to an open condition, to include the image data corresponding to the second camera signals in the data store (it is inherent to have a door for the apparatus of fig.2).

(Claim 12) The apparatus according to claim 11 wherein the computer is further operative responsive to the instructions to send an e-mail message through the network (409, 410, 414 of fig.4).

(Claim 13) The apparatus according to claim 1 wherein the data store includes instructions representative of a sequence, and wherein the computer is operative responsive to the sequence to include image data in the data store, and wherein the user terminal has in connection therewith a user terminal input device, and wherein the sequence is changeable through an input to the user terminal input device (flow chart of fig.4).

Art Unit: 3624

(Claim 14) The apparatus according to claim 1 wherein the data store includes instructions for determining a time period during which the data store is expected to continue to accept additional data, and wherein the computer is operative responsive to the instructions to calculate such a time period (col.10, lines 5-15).

(Claim 15) The apparatus according to claim 14 wherein the instructions include message instructions for sending a message, and wherein the computer is operative responsive to the message instructions to send a message through the network wherein the message includes data representative of the time period (abstract; col.2, lines 35-col.4, lines 55).

(Claim 16) The apparatus according to claim 14 wherein the data store includes a transaction history pattern, and wherein the computer calculates the time period responsive to the transaction history pattern (col.2, lines 35-col.4, lines 55).

(Claim 17) The apparatus according to claim 1 wherein the server and data store are located within the banking machine (col.5, lines 48-51; fig.2).

(Claim 18) The apparatus according to claim 1 wherein the camera signals are transmitted to the computer through a network (col.5, lines 48-51; fig.2).

(Claim 19) The apparatus according to claim 1 and further comprising a camera server in operative connection with the camera, wherein the camera server is in operative connection with the computer (col.5, lines 48-51).

Art Unit: 3624

(Claim 20) The apparatus according to claim 1 and further comprising a plurality of cameras, and wherein a further network is in operative connection with the plurality of cameras and the computer, wherein the plurality of cameras communicate with the computer through the further network (fig.2).

(Claim 21) The apparatus according to claim 20 wherein the further network includes a power supply network.

(Claim 22) The apparatus according to claim 1 wherein the data store comprises a recording device having a removable storage medium, wherein the image data is recorded on the removable storage medium (col.15, lines 5-65).

(Claim 23) The apparatus according to claim 1 wherein the data store includes instructions for determining if an amount of image data in the data store is at a level, and further comprising a remote data store in operative connection with the network, wherein the computer is operative responsive to the amount of the image data being as great as the level, to transfer data through the network to the remote data store (col.5, lines 25-col.10, line 15).

(Claim 24) The apparatus according to claim 23 wherein the data store includes further instructions, wherein the computer is operative responsive to the further instructions to erase image data in the data store after transfer of such image data to the remote data store (it is inherent to remotely perform data editing).

(Claim 25) The apparatus according to claim 1 wherein the banking machine includes an imaging device, wherein the imaging device is operative to generate document image signals

Art Unit: 3624

corresponding to at least one appearance feature of documents input to the machine, and wherein the data store includes instructions, and the computer is further operative responsive to the instructions to include in the data store document image data corresponding to the document image signals col.5, lines 25-col.10, line 15).

(Claim 26) The apparatus according to claim 25 wherein the document image data is stored in correlated relation with image data produced responsive to the camera signals col.5, lines 25-col.10, line 15).

(Claim 27) The apparatus according to claim 25 wherein the data store includes further instructions, and the server is operative responsive to the further instructions to deliver the document image data through a network (col.5, lines 25-col.10, line 15; fig.2).

(Claim 28) The apparatus according to claim 27 and further comprising a document verification terminal in operative connection with the network, and wherein the document verification terminal is in operative connection with a verification data store including data representative of indicia which is indicative of the genuineness of documents, and wherein the document verification terminal includes a further browser, and wherein the document verification terminal is operative to access the document image data through the server and to compare the document image data and the indicia from the verification data store (col.5, lines 25-col.10, line 15).

(Claim 29) The apparatus according to claim 28 wherein the indicia in the verification data store corresponds to written signatures, and wherein the document verification terminal is operative to compare signatures in documents represented by the document image data, to

Art Unit: 3624

data representative of the written signatures in the verification data store (col.5, lines 25-col.10, line 15).

(Claim 30) The apparatus according to claim 4 wherein the output device of the user terminal comprises a display, and wherein the display is operative to display a plurality of images corresponding to operation of the transaction function devices during the transaction, together in a set on the display (col.5, lines 25-col.10, line 15).

(Claim 31) The apparatus according to claim 30 wherein the user terminal further comprises an input device, wherein the input device is selectively operative to select one of the images in a set, and wherein the user terminal is operative responsive to selection of one image in a set, to display a larger version of the selected image on the display (col.5, lines 25-col.10, line 15).

(Claim 32) The apparatus according to claim 31 wherein the banking machine is operative to produce transaction data responsive to operation of at least one transaction function device, and wherein the computer is operative to store data representative of the transaction data in a data store in correlated relation with the corresponding image data, and wherein the transaction data is accessed by the user terminal with the browser, and wherein the corresponding transaction data is output on the display of the user terminal with the selected image (col.6, line 60-col.14, line 65).

(Claim 33) The apparatus according to claim 31 wherein the display includes an icon, and wherein selection of the first icon with the input device is operative to selectively cause images in a series of images to be made visible on the display (col.6, line 60-col.14, line 65).

Art Unit: 3624

(Claim 34) The apparatus according to claim 33 and wherein the display comprises a first icon and a second icon, wherein selection of the first icon with the input device is operative to cause at least one image in a first direction in the series to be made visible and wherein selection of the second icon with the input device is operative to cause at least one image in a second direction in the series other than the first direction, to be made visible on the display (col.6, line 60-col.14, line 65).

(Claim 35) The apparatus according to claim 33 wherein selection of the icon is operative to scroll through the series of images (col.6, line 35-col.14, line 65).

(Claim 36) The apparatus according to claim 33 wherein the display comprises a first icon and a second icon, wherein selection of the first icon with the input device is operative to cause at least one image in the series disposed of a first number of images in the series from a currently displayed image, to be displayed on the display, and wherein selection of the second icon with the input device is operative to cause at least one image in the series disposed a second number of images in the series from a currently displayed image, to be displayed (col.6, line 60-col.14, line 45).

(Claim 37) The apparatus according to claim 36 wherein the at least one image displayed responsive to the first icon and the at least one image displayed responsive to selection of the second icon, are each disposed in a first direction in the series from the currently displayed image (col.6, line 60-col.14, line 65).

Art Unit: 3624

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Blackwell*** in view of ***Odle*** (U.S. 5,491,511).

Blackwell disclosed all of the above claimed limitations except for a the showing of the computer being operative to store and/or retrieve the image data on the date field.

Odle explicitly discloses an electronic transaction device (including ATM) operative to store and/or retrieve the image data on the date field for displaying and retrieving the date and time a transaction occurred (col.2, line 43-col.3, line 14; col.3, line 60-col.4, line 54; claims 1 and 7-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blackwell's apparatus to use a date field to capture, store, and retrieve image data (or visual and digitized information), as taught by Odle, to facilitate a remotely accessed bank (ATM) verification and surveillance network. Furthermore, it is notoriously well known in database or information management to use the date data field to design

Art Unit: 3624

database in the banking, financing, accounting, and auditing industries for better access of information.

Response to Arguments

8. Applicant's arguments filed 5/14/2002 and newly added claims 38-43 have been fully considered but they are not persuasive.

With regard to the 102 rejection, while an anticipatory reference must disclose each and every element of the claimed invention, the Examiner is not required to read in additional limitations from the specification under the guise of "each and every element identically disclosed". The Examiner is permitted to Apply Blackwell as anticipatory since all claimed elements are disclosed in the reference either explicitly or implicitly (MPEP 706.02). The Applicant has the responsibility in response of showing that the claims presented are patentability distinct (MPEP 706.02). In the present case, the Applicant has not met that burden. Each and every claimed element given "broadest reasonable interpretation", is either explicit or implicit in the Blackwell reference, as applied in substantial detail, supra.

In response to applicant's argument that the Blackwell reference does not teach "a computer in operative connection with an automated banking machine and a camera, wherein the computer is operative to include image data corresponding to camera signals in data stored responsive to the machine carrying out at least one transaction function". Contrary

Art Unit: 3624

to the applicant's arguments, Blackwell teaches a computer (a CPU verification terminal or a microprocessor 64 IBM 486DX2 processor at col.7, lines 27-33) in operative connection with an automated banking machine and a camera (*"Referring to FIG. 1, there is shown a remote verification system in accordance with the present invention. The invention is described here in the context of a banking environment. However, the invention is not so limited, and may apply to any environment involving a transaction conducted between a central location and a remote user location, where it is desired to verify the identity and credentials of the individual at the remote location and to provide a verification record."* at col.5, lines 25-33), wherein the computer is operative to include image data corresponding to camera signals in data stored responsive to the machine carrying out at least one transaction function (*"A verification method for use in a verification system"* the verification transaction is a transaction function). Applicant argues that "Where does Blackwell teach storing image data in response to the operation of a transaction function device of an automated banking machine?" Blackwell teaches storing image data (document stored in image file) in response to the operation of a transaction function device of an automated banking machine. See col.6, lines 40-49 and prior Office Action cited locations.

In response to applicant's argument that the Blackwell reference does not teach "image data in a data store in response to a machine, especially an automated banking machine?". In contrary, Blackwell teaches this limitation "verification data file" at col. 6,

Art Unit: 3624

lines 40-57, a document camera to capture an image of a document; “data file” at claims 1, 6-13, 17-20, 22-28, 30, 33-37, for verification of a remotely access data.

Applicant further argues that “Where does Blackwell teach including image data in a data store (in the manner recited) in response to a machine, especially an automated banking machine?” Firstly, it is noted that the features upon which applicant relies (i.e., image data in a data store in response to a machine) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). All that it is claimed is “an automated teller machine carrying out at least one transaction, ... a user terminal including an output device in operative connection with the network, ...”. Secondly, Applicant’s specification discloses that “For purpose of this disclosure an automated banking machine will be considered as being any machine which accomplished the handling or transfer of items having or representative of value.” On page-1 of Applicants’ disclosure. Thirdly, regarding the limitation on automation of storing image data and/or transaction functions, it is noted that the court held that merely automating a manual process is not patentable if it achieves an identical result *In re Venner*, 262 F.2d91, 95, 120USPQ 193, 194 (CCPA 1958).

Art Unit: 3624

In response to applicant's argument that the reference does not teach that a computer is operative to include image data in a data store responsive to an automated banking machine operating to provide cash. In contrary, the prior art reference discloses a banking machine and a verification method having a computer in operative to include image data in the data store responsive to the machine operated at a point of sale banking service, e.g. including ATM and cash services. See abstract, col.1, lines 37-55.

Applicant argued that Blackwell relies on a person, not in response to a machine carrying out at least one transaction. In fact, Applicant's invention also require a user to operate at the transaction terminal (see claim 1). In addition, Applicant did not claim the apparatus is being operated without a person. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argues that Blackwell does not teach that a computer is operative to sense lack of usable video from a first camera and an instruction sequence in response to lack of usable video from one camera causes image to be captured from another camera. In contrary, Blackwell teaches a computer being operative to sense lack of usable video from a first camera and an instruction sequence in response to lack of usable video from one camera causes image to be captured from another camera. See col.7, line 47-col.8, line 15:

Art Unit: 3624

"In addition to receiving audio and video signals, microprocessor 64 also receives control command signals from the verification terminal. The microprocessor is responsive to these command signals for controlling the various equipment at the remote terminal, e.g., to operate the video switcher to switch between camera 52 and cameras 54 and 56.

FIG. 3 is a block diagram of a verification terminal. As shown in the figure, the verification terminal comprises a microprocessor 70 which includes communications equipment, substantially as described above with respect to the remote terminal, for interfacing with the communications network and LAN. A monitor 72 is coupled to the microprocessor for displaying video images and speakers (not shown) are associated with the monitor for supplying audio communications received from the remote terminal. A camera 74 also is coupled to the microprocessor and is positioned to capture an image of the verification authority sitting or standing at the verification terminal for transmission to the remote terminal. Audio input from the verification terminal to the remote terminal is provided by way of a microphone 76 coupled to microprocessor 70.

The verification authority at the verification terminal conducts a transaction session with a person at a remote terminal through use of a sequence of menu screens which are stored in microprocessor 70 and selectively accessed by the verification authority by operating an input device 78, for display on monitor 72. In the preferred embodiment, input device 78 comprises a mouse or a pointer device. These on-screen displays define soft-

Art Unit: 3624

function keys that can be activated by the verification authority to control the system operation, e.g., to transmit control command signals or other information to the remote terminal, in accordance with the dialogue taking place between the remote terminal user and the verification authority."

In response to applicant's argument that Blackwell does not teach "determining a time period during which a data is expected to continue to accept additional data". In contrary, Blackwell discloses this limitation at col.9, line 43-col.10, line 40, also pay particular attention to "connecting to banker" operation.

Applicant further argues that "Blackwell does not teach determining if an amount of image data in a data store is at a level, and a computer being operative to transfer data through a network to a remote data store, responsive to the amount being as great as the level. In contrary, Blackwell teaches this limitation in col.11, lines 25-55. Where the amount of the image data in the data store is being transferred to a remote terminal controlled by the central terminal command. The commands may be actuated automatically by the central terminal or manually by the verification authority.

Art Unit: 3624

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

∞ Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey Pwu whose telephone number is (703) 308-7835

Jeffrey Pwu



8 August 2002